

EXHIBIT A

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

NORTH AMERICAN RECOVERY

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

ANTHONY KROLL

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/seithelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/seithelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **(AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.)**

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.suerte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.suerte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Superior Court of San Diego

330 West Broadway

San Diego, CA 92101

CASE NUMBER:
(Número del Caso)

37-2013-00057499-CL-NP-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Todd M. Friedman, 369 S. Doheny Dr., #415, Beverly Hills, CA 90211, 877-206-4741

DATE:
(Fecha) JUL 16 2013

Clerk, by
(Secretario) T. Perkins

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.

2. as the person sued under the fictitious name of (specify):

3. on behalf of (specify):

under: CCP 416.10 (corporation)

CCP 416.20 (defunct corporation)

CCP 416.40 (association or partnership)

CCP 416.60 (minor)

CCP 416.70 (conservatee)

CCP 416.90 (authorized person)

4. by personal delivery on (date):

Page 1 of 1

1 Todd M. Friedman (216752)
2 Law Offices of Todd M. Friedman, P.C.
3 369 S. Doheny Dr. #415
4 Beverly Hills, CA 90211
5 Phone: 877-206-4741
6 Fax: 866-633-0228
7 tfriedman@attorneysforconsumers.com
8 Attorney for Plaintiff

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO
LIMITED JURISDICTION**

10) CASE NO.: 37-2013-00057499-CL-NP-CTL
11)
12) COMPLAINT FOR MONEY,
13) INJUNCTIVE AND DECLARATORY
14) RELIEF
15) 1. Violation of Fair Credit Reporting Act
16) (Damages Not to Exceed \$25,000)
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I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Credit Reporting Act, 15 U.S.C. §1681 (hereinafter "FCRA"), which regulates the collection, dissemination, and use of consumer information, including consumer credit information.

II. PARTIES

2. Plaintiff, Anthony Kroll ("Plaintiff"), is natural persons residing in San Diego county in the state of California, and are "consumers" as defined by 15 U.S.C. §1681a.

3. At all relevant times herein, Defendant, North American Recovery, regularly provides information to consumer reporting agencies and is therefore an "information furnisher"

1 as defined by the FCRA. At all relevant times, Defendant was a "person" as that term is defined
2 by 15 U.S.C. §1681a(b).

3 4. At all relevant times, credit reports as alleged in this pleading are "consumer
4 reports" as that term is defined by 15 U.S.C. §1681a(d).

5 **III. FACTUAL ALLEGATIONS**

6 5. In October 2012, Plaintiff purchased a product from original creditor, "Armando
7 Montelongo- Flipping".

8 6. The creditor sent the product to the wrong address and Plaintiff did not receive it
9 until after the 30 day return period. The creditor was charging Plaintiff more than agreed.

10 7. Plaintiff returned the product to the original creditor.

11 8. In November 2012, Defendant began collecting the alleged debt on behalf of the
12 creditor, where the amount being collected did not reflect that Plaintiff returned the product.

13 9. Defendant is reporting the negative tradeline on Plaintiff's credit report, where no
14 collection letters or calls were made to Plaintiff prior to reporting.

15 10. Defendant has been providing derogatory and inaccurate statements and
16 information relating to Plaintiff and Plaintiff's credit history to various credit reporting agencies,
17 as that term is defined by 15 U.S.C. 1681a(f).

18 11. Defendant is aware that the credit reporting agencies to which they are providing
19 this information are going to disseminate this information to various other persons or parties who
20 will be reviewing this information for the purpose of extending credit, insurance or employment.

21 12. The inaccurate information of which Plaintiff complains is an account, or trade-
22 line, that reflects Plaintiff's history of credit with the Defendant.

1 13. Plaintiff has been denied credit on multiple occasions due to the actions of
2 Defendant.

3 14. The inaccurate information negatively reflects upon the Plaintiff, Plaintiff's credit
4 repayment history, Plaintiff's financial responsibility as a debtor and Plaintiff's credit worthiness.
5

6 15. The credit reports have been and continue to be disseminated to various persons
7 and credit grantors, both known and unknown.

8 16. Within the last two years, Plaintiff disputed the inaccurate information with the
9 CRA(s) by written communication to its representatives and by following the aforementioned
10 reporting agency's established procedure for disputing consumer credit information. Further,
11 Plaintiff enclosed in his/her written dispute documents that either proved to Defendant that its
12 information was inaccurate or provided them with evidence that was supportive of Plaintiff's
13 contentions.

14 17. Upon information and belief, within five (5) days of Plaintiff notifying the
15 aforementioned credit reporting agency, said agency notified Defendant of Plaintiff's dispute and
16 the nature of the dispute.

17 18. Defendant then and there owed to Plaintiff a duty to assist the credit reporting
18 agency in a re-investigation into the disputed facts that are being reported about Plaintiff.

19 19. Notwithstanding Plaintiff's efforts and Defendant's duties, Defendant continued
20 publishing the inaccurate information and Defendant continued to publish and disseminate such
21 inaccurate information to other credit reporting agencies.

22 20. Despite Plaintiff's efforts to date, Defendant has nonetheless deliberately,
23 willfully, intentionally, recklessly and negligently repeatedly failed to perform reasonable
24 reinvestigations of the above disputes as required by the FCRA, has failed to remove the
25 information from the Plaintiff's credit report.

1 inaccurate information, has failed to note the disputed status of the inaccurate information and
 2 has continued to report the derogatory inaccurate information about Plaintiff.

3 21. Plaintiff have been damaged, and continue to be damaged, in the
 4 following ways:

- 5 a. Denial of credit by at least one lender;
- 6 b. Out of pocket expenses associated with disputing the information only to find
 the information to remain on the credit report;
- 7 c. Emotional distress and mental anguish associated with having incorrect
 derogatory personal information transmitted about Plaintiff to other people
 both known and unknown;
- 8 d. Decreased credit score which may result in inability to obtain credit on future
 attempts.

9
 10 22. At all times pertinent hereto, Defendant was acting by and through its agents,
 11 servants and/or employees who were acting within the course and scope of their agency or
 12 employment, and under the direct supervision and control of Defendant herein.

13 23. At all times pertinent hereto, the conduct of Defendant, as well as that of its
 14 agents, servants and/or employees, was malicious, intentional, willful, reckless, and in grossly
 15 negligent disregard for federal and state laws and the rights of Plaintiff herein.

16 24. Defendant violated sections 1681n and 1681o of the FCRA by engaging in the
 17 following conduct that violates 15 U.S.C. §1681s-2(b):

- 18 a. Willfully and negligently failing to conduct an investigation of the
 inaccurate information that Plaintiff disputed;
- 19 b. Willfully and negligently failing to review all relevant information concerning
 Plaintiff's account provided to this Defendant;
- 20 c. Willfully and negligently failing to report the inaccurate status of the
 inaccurate information to all credit reporting agencies;
- 21 d. Willfully and negligently failing to properly participate, investigate and
 comply with the reinvestigations that were conducted by any and all credit
 reporting agencies concerning the inaccurate information disputed by
 Plaintiff;
- 22 e. Willfully and negligently continuing to furnish and disseminate inaccurate and
 derogatory credit, account and other information concerning the Plaintiff to

1 credit reporting agencies and other entities despite knowing that said
2 information was inaccurate; and,

3 f. Willfully and negligently failing to comply with the requirements imposed on
4 furnishers of information pursuant to 15 U.S.C. §1681s-2.

5 25. Defendant's conduct was a direct and proximate cause, as well as a substantial
6 factor, in causing the injuries, damages and harm to Plaintiff that are outlined more fully above,
7 and as a result, Defendant is liable to compensate Plaintiff for the full amount of statutory,
8 actual and punitive damages, along with attorneys' fees and costs, as well as such other relief
9 permitted by law.

10 26. Further, Defendant failed to notify Plaintiff of their intention to report negative
11 information on their credit reports. Defendant then failed to correct the disputed information
12 within thirty days of Plaintiff's dispute of that information.

13 27. As a result of the above violations of the FCRA, Plaintiff suffered and continue to
14 suffer injury to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and
15 emotional distress, and Defendant is liable to Plaintiff for Plaintiff's actual damages, statutory
16 damages, and costs and attorney's fees.

17 **COUNT I: VIOLATION OF THE FAIR CREDIT REPORTING ACT**

18 28. Plaintiff reincorporate by reference all of the preceding paragraphs.

19 29. To the extent that Defendant's actions, counted above, violated the FCRA, those
20 actions were done knowingly and willfully.

21 **PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiff respectfully pray that judgment be entered against the
23 Defendant for the following:

24 A. Actual damages to be determine;

- 1 C. Statutory damages for willful and negligent violations;
- 2 D. Costs and reasonable attorney's fees; and,
- 3 E. For such other and further relief as may be just and proper

4

5

6 **PLAINTIFF HEREBY REQUEST A TRIAL BY JURY**

7

8 Respectfully submitted this 7th day of June, 2013

9 By:

10 Todd M. Friedman
11 Law Offices of Todd M. Friedman, P.C.
12 369 S. Doheny Dr. #415
13 Beverly Hills, CA 90211
14 Phone: 877 206-4741
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17 Attorney for Plaintiff

5007-1170

North American Rec: very
Received

Process by
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Law Offices of Todd Friedman, P.C.
369 S. Doheny Drive #415
Beverly Hills, CA 90211

North American Recovery
David Saxton
1600 West 2200 South #410
West Valley City, UT 84119

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.

I am employed in the County of Los Angeles, State of California.

I am over the age of eighteen years and not a party to the within action. My business address is 5959 W. Century Blvd., Suite 1214, Los Angeles, CA 90045.

On August 23, 2013, I served the foregoing document(s) described as: **NOTICE OF REMOVAL** on all interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I sealed such envelope(s) and placed it (them) for collection and mailing on this date following the ordinary business practices of Carlson & Messer LLP. I am "readily familiar" with the business practices of Carlson & Messer LLP for collection and processing of correspondence for mailing with the United States Postal Service. Such correspondence would be deposited with the United States Postal Service at Los Angeles, California this same day in the ordinary course of business with postage thereon fully prepaid.

ELECTRONIC MAIL: Based on Court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the said documents to be sent to the persons at the electronic mail addresses listed below (see attached service list). I did not receive within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

PERSONAL SERVICE BY HAND: I personally served such document to address stated on POS Service List.

BY FACSIMILE- I transmitted via telecopier machine such document to the offices of the addressees.

(STATE) - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(FEDERAL) - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed this **23rd** day of **August, 2013**, at Los Angeles, California.

2013, at Los Angeles, California.

Linda Brooks
Linda Brooks

Anthony Kroll v. North American Recovery
File No.: 07622.00

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